

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11756 of 2007

Dated: 11-06-2007

Between:

Smt. Pericharla Venkatanarasamma and another.

..... PETITIONERS

AND

The District Collector, Khammam, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11756 of 2007

ORDER:

It is the case of the petitioners that the Mandal Revenue Officer (Now designated as Tahsildar), Aswaraopeta Mandal, second respondent herein, assigned land admeasuring Acs.5.00 in survey No.1228 to first petitioner and Ac.1.23 guntas in same survey number to second petitioner in 1988. The petitioners allegedly raised cashew nut garden in said land. They allege that a news item was appeared in Prajashakthi daily newspaper dated 24.05.2007 that at the behest of the political activists of the communist party (C.P.M.), second respondent promised to allot house sites to the needy persons in said survey number duly dispossessing the petitioners. They then approached second respondent and requested not to evict them, in vain. Apprehending that they might be dispossessed by use of force, they filed instant writ petition.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General-T) submits that the writ petition is filed on mere apprehension and no interference is called for. After perusing the affidavit accompanying the writ petition and the documents annexed to the writ petition, this Court is convinced that the basis for the writ petition is apprehension. Nonetheless this Court observes that unless due process of law is followed, if the petitioners are in possession, they cannot be dispossessed without following due process of law by second respondent.

The writ petition, with the above observations, is accordingly dismissed. No costs.

V.V.S.RAO, J

11th June, 2007

Note: Issue CC in three days.

B/o
ghn

